

REMARKS

Summary of amendments, status of claims

Claims 1, 15 and 43 have been amended to obviate rejections under 35 USC 102 and 35 USC 103.

Claims 2, 5, 6, 14, 20, 26, 39, and 42 have been amended to obviate rejections under 35 USC 112.

Claims 8, 10, 11, 13, 23, 29, 32, 34, 36 and 38 have been withdrawn from consideration by a final restriction requirement.

Claims 1-7, 9, 12, 14-22, 24-28, 30, 31, 33, 35, 37 and 39-43 stand rejected and remain pending.

The restriction requirement

The restriction requirement has been repeated and made final.

It is indicated that claims 8, 10, 11, 13, 23, 29, 32, 34, 36 and 38 will be rejoined in the event that claims 1 and 15 are allowed. The text of these claims is retained to facilitate maintaining these claims in condition for rejoinder.

Objections to the specification

A requirement has been made to present a new title, and to update the status of the copending application listed on page 1. Amendments to pages 1 and 35 are presented to

comply. The title has been amended to track the claim preambles. Reconsideration is requested.

Rejections under 35 USC 112

Claims 1-7, 9, 12, 14-22, 24-28, 30-31, 33, 35, 37 and 39-43 stand rejected under 35 USC 112, second paragraph.

Rejection of claims 1, 15 and 43 and their dependent claims

In claims 1, 15 and 43, the recitation “. . . operable to cause analog signals to be transmitted from the first input to the voice communication device from the sound card output” is said to be indefinite. Claims 2-7, 9, 12, 14, 16-22, 24-28, 30-31, 33, 35, 37, and 39-42 are said to be indefinite due to their dependence on one of these claims.

This rejection is traversed.

The paragraph containing the phrase in claim 1, with explanatory footnotes referencing the drawings, reads as follows:

“wherein the control circuitry¹ is coupled to the first selection circuitry², the second selection circuitry³, and the voice communication device⁴ and is operable to cause analog signals to be transmitted from the first input⁵ to the voice communication device from the sound card output⁶”

¹(the box labeled “Control Circuit” in Figure 7B)

²(721 in Figure 7A--via a line not labeled in Figure 7A but corresponding to line 731 in Figure 7B)

³ (720 in Figure 7A via a line not labeled in Figure 7A but corresponding to line 730 in

Figure 7B)

⁴ (700 in Figure 7B via the line running to sensor 750, for example)

⁵ (the line not labeled in Fig. 7A which corresponds to line 731 shown in Fig. 7B)

⁶ (the line not labeled in Figure 7A which corresponds to line 670 in Figure 5A)

The specification describes these items as follows:

switch 721, input 731, switch 720, output 730, headset 700 (also described as handset 700 at one location), sensor 750, output 670.

It is submitted that the control circuitry in claim 1 is described in compliance with 35 USC 112. Because the remaining rejected claims are similarly or identically worded, it is submitted that the rejection is inapplicable to them as well. Reconsideration and withdrawal of this rejection is therefore requested.

Rejection of claims 26 and 42

In claims 26 and 42, the recitation “wherein controls are” and “an adapter” in line 1 is said to lack antecedent basis. It is also said to be unclear whether the recitation of “adapter housing” is referencing the audio adapter recited in claims 1 and 15. The rejection is traversed, but is obviated by the present amendment.

Claims 26 is amended as follows:

26. (currently amended) The system of claim 1 wherein ~~controls are control circuitry is~~ coupled to ~~an adapter housing~~ the audio adapter to allow the control switching to be performed within the audio adapter.

Claim 42 is amended as follows:

42. (currently amended) The method of claim 15 further comprising coupling controls the control circuitry to an audio adapter housing and performing the control switching within the audio adapter housing.

The amendment is fairly supported by the following section of the specification:

Page 28, lines 13-19, which reads:

“It is also within the scope of the invention for volume monitoring circuitry B2 and switches 720 and 721 to reside in adapter 710, in addition to or rather than in audio I/O adapter 40. In such an embodiment, adapter 710 may releasably couple to audio I/O adapter 40. Similarly, the elements comprising adapter 710 may be incorporated into audio I/O adapter 40..”

Reconsideration and withdrawal of the rejection is requested.

Rejection of dependent claims generally for reciting “the analog signal”

Throughout the rejected dependent claims, the term “the analog signal” is said to be unclear since the independent claims recite numerous analog signals. In response, the claims have been reviewed, and claims 2, 5, 6, 14, 20, and 39 have been amended to clearly refer back to antecedent analog signals, the other dependent claims already clearly referring back to antecedent analog signals. Reconsideration and withdrawal of the rejection is requested.

Rejections under 35 USC 102

Claims 1, 3-7, 9, 12, 14-15, 17-22, 24-28, 30-31, 33, 35, 37, and 39-43 stand rejected under 35 USC 102(e) over Juskiewicz et al, US 6,353,169, March 5, 2002, filed April 25, 2000 and claiming benefit from a pair of provisional applications filed April 26, 1999 and September 23, 1999. The effective filing date of the present application is November 12,

1999. It is noted that Juskiewicz has no publication date under 35 USC 122. The rejection will be treated herein as being made under paragraph (e)(2). Under 35 USC 102(e)(2), Juskiewicz et al constitutes potentially available prior art only to the extent that the subject matter relied upon is disclosed in one of the provisional applications. The provisional applications aggregate over 100 pages. Basing the rejection on US 6,353,169 without pointing to the underlying support in a provisional application does not constitute fair notice as to the nature of the rejection nor satisfy the burden on the patent office to establish why, in the opinion of the examiner, that applicant is not entitled to patent. Reconsideration and withdrawal of the rejection on this basis is requested.

Rejection of claims 1, 15 and 43

Claims 1, 15 and 43 have been amended to recite “a voice communication device for making and receiving telephone calls”.

The amendment is fairly supported by the following sections of the specification:

Page 10, lines 5-8, which reads:

“The user can also perform telephone calls without being seated near computer 20 by using headset 700, which is discussed in further detail in conjunction with FIGURES 7A and 7B.”

Page 26, lines 8-13, which reads:

“Headset 700 enables a user to communicate using voice communication such as answering a telephone call, without the need to directly access or be seated next to mouse 35, keyboard 36, or monitor 45 of audio control system 10, and frees up the user's hands to perform other tasks.”

Page 27, lines 3-7, which reads:

“It is also within the scope of the invention for adapter 710 to comprise a standard hook and cradle device (not explicitly shown) device to connect to a standard telephone receiver, in addition to or as an alternative to headset 700.”

Page 27, lines 20-22, which reads:

"In this embodiment, headset 700 may be any suitable device allowing voice communication, such as a headset as illustrated in FIGURE 7B, or a standard telephone receiver."

Juszkiewicz et al fails to disclose "a voice communication device for making and receiving telephone calls", such limitation now being required by independent claims 1, 15, and 43 and all rejected dependent claims. Reconsideration and withdrawal of all 35 USC 102 rejections based on Juszkiewicz et al is requested.

Rejections under 35 USC 103

Claims 2 and 16 stand rejected under 35 USC103(a) as being unpatentable over Juszkiewicz as applied to claims 1 and 15, further in view of Radomski, US 6,507,790, January 14, 2003, filed July 15, 1998.

Radomski et al fails to disclose "a voice communication device for making and receiving telephone calls", such limitation now being required by independent claims 1, 15, and 43 as well as by the rejected claims. Because of this deficiency, Radomski cannot cure the deficiencies of Juszkiewicz et al, and a *prima facie* case of obviousness has not been shown. Reconsideration and withdrawal of the 35 USC 103 rejection of claims 2 and 16 is requested.

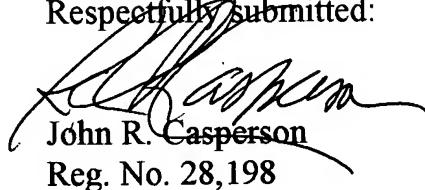
Conclusion

In view of the forgoing amendment and remarks, reconsideration and withdrawal of all grounds of rejection, rejoinder of the withdrawn claims, and early notice of allowance is requested.

Respectfully submitted:

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